

REMARKS / ARGUMENTS

Pending claims 1-4 and 6-23 in the application stand rejected. By the foregoing amendment, the applicants have amended claims 1, 6, 20 and 22. No new matter is added by the amendments. In view of the foregoing amendments and following discussion, the applicants submit that all pending claims are in condition for allowance.

On page 5 the Examiner rejected claims 1-4 and 6-23 under 35 U.S.C. § 103(a) as being unpatentable over Dumas et al. (WO 99/32110) in view of Hanna (US 2002/0012665), Bruserud (Leukemia Research, 1996, Vol. 20, No. 1, pp. 65-73), and Treon et al. (Current Opinion in Hematology, 1998, Vol. 5, pp. 42-48). The applicants submit this rejection is overcome.

The combination of the references does not result in amended claims 1, 20 and 22. Amended claims 1, 20 and 22 all recite, in part, a compound of the formula (I) wherein . . . Ar₂ is: naphthyl, quinoline, isoquinoline, tetrahydronaphthyl, tetrahydroquinoline, tetrahydroisoquinoline, benzimidazole, benzofuran, indanyl, indenyl or indole each being optionally substituted with one to three R₂ groups. Dumas et al. only exemplifies compounds where R² is a phenyl (equivalent to Ar₂ of the current invention). For example, Dumas et al. exemplifies compounds where R² is a phenyl (e.g. examples C, D and table 1 on pages 33-43 of Dumas et al.), unlike the claimed compounds of amended claim 1, 20 and 22 which do not claim a phenyl at Ar₂ (equivalent to R² of Dumas et al.). Moreover, Dumas et al. does not provide any reason for a skilled artisan to select the particular substituents of the genus of rejected claims 1, 20 and 22. Nor does Dumas et al. combine them in such a way as to result in the compositions of the rejected claims. *In re Jones*, 958 F.2d 347, 350 (Fed. Cir. 1992). A skilled artisan would be required to make a number of tenuous substitutions in order to arrive at the claimed compounds.

With respect to claim 16, the combination of the references cannot result in method claim 16. Claim 16 recites, in part, “a method of treating cytokine-mediated cancer said method comprising administering to a patient in need of such treatment a therapeutically effective amount of a compound” where Ar₂ is not phenyl. As recited above, Dumas et al. only exemplifies compounds where R² is a phenyl (equivalent to Ar₂ of the current invention).

Hanna, Bruserud and Treon et al. all fail to cure the deficiency of Dumas et al. Hanna, Bruserud and Treon et al. do not teach heterocyclic aromatic compounds with a naphthyl. The

combination of the references would result in compounds of formula (I) of Dumas et al. that are phenyl substituted at R² to treat cytokine mediated cancers such as multiple myeloma and acute myelogenous leukemia. Therefore, claims 1, 16, 20 and 22 are not obvious over Dumas et al. in view of Hanna, Bruserud and Treon et al. and are thus allowable. Claims 2, 4, 6-15, 17-19, 21 and 23 which depend from claims 1, 20 or 22 and recite additional limitations thereon are also allowable. Accordingly, the applicants respectfully request the Examiner to withdraw the rejection.

Applicants submit that all claims pending in the patent application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Respectfully submitted,

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